

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VUTH NGUYEN,

Plaintiff,

-against-

N/A - CRIME,

Defendant.

22-CV-10240 (LTS)

ORDER DIRECTING PAYMENT OF FEES
OR AMENDED IFP APPLICATION

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff brings this action *pro se*. To proceed with a civil action in this Court, a plaintiff must either pay \$402.00 in fees – a \$350.00 filing fee plus a \$52.00 administrative fee – or, to request authorization to proceed *in forma pauperis* (IFP), that is, without prepayment of fees, submit a signed IFP application. *See* 28 U.S.C. §§ 1914, 1915.

Plaintiff submitted an IFP application, but his responses do not establish that he is unable to pay the filing fees. Plaintiff checks a box on the IFP application to indicate that he is not presently employed, but he fails to answer the remaining questions on the application. Because Plaintiff has not completed the IFP application and has otherwise provided no information about his financial circumstances, the Court is unable to conclude that he is unable to afford the filing fees.

Accordingly, within thirty days of the date of this order, Plaintiff must either pay the \$402.00 in fees or complete and submit an amended IFP application. If Plaintiff submits the amended IFP application, it should be labeled with docket number 22-CV-10240 (LTS), and address the deficiencies described above by providing facts to establish that he is unable to pay the filing fees. Plaintiff must answer all applicable questions on the amended IFP application. If

the Court grants the amended IFP application, Plaintiff will be permitted to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a)(1).

No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: December 7, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge